

OCT 28 2024

UNIVERSITY OF CALIFORNIA

INTER-DEPARTMENT MEMO

DATE: May 15, 1978

TO: JIM WILLIAMS, City Manager

FROM: RICHARD L. KNICKERBOCKER, City Attorney

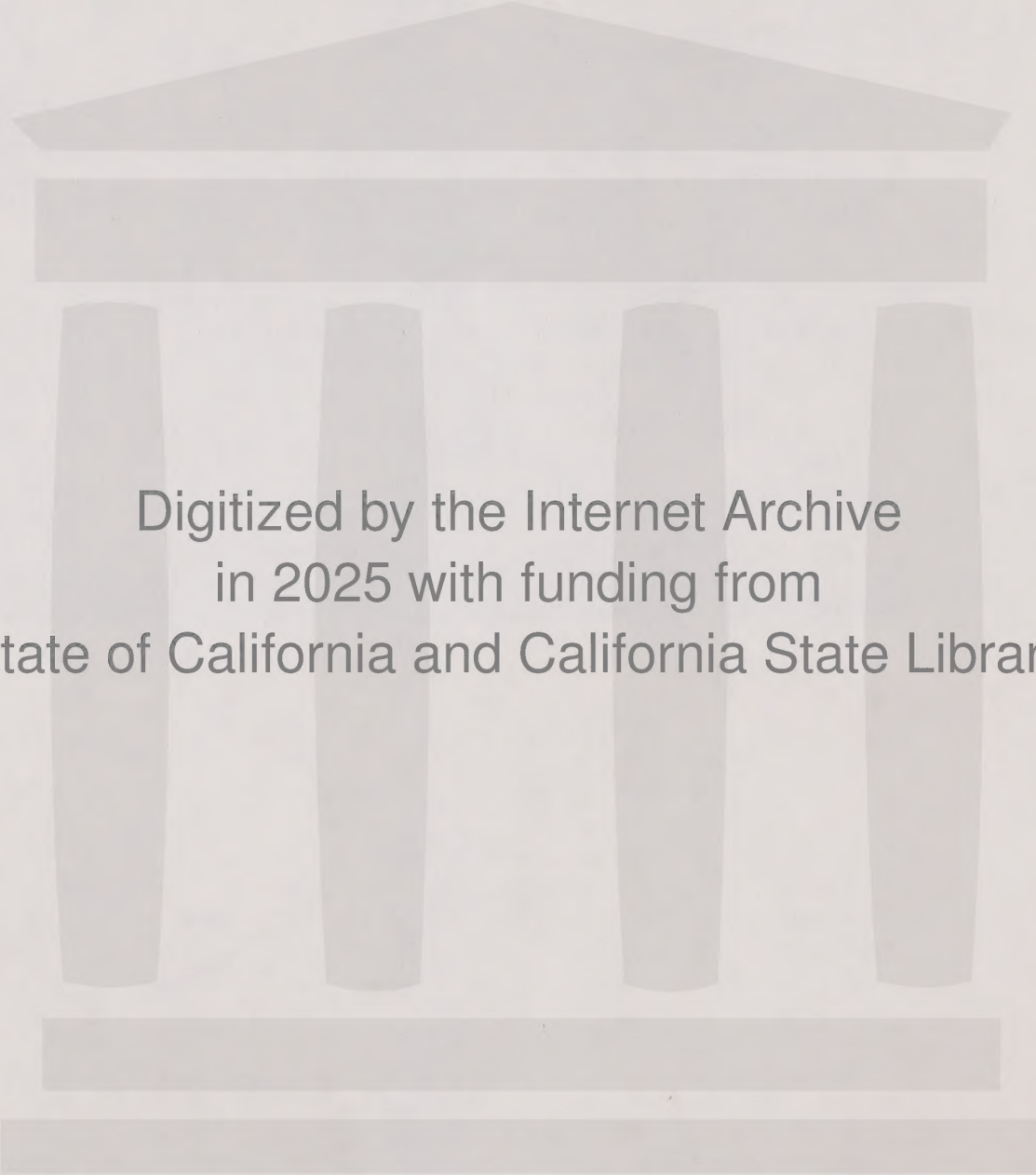
SUBJECT: Transfer of City Attorney Functions
to District Attorney

You have requested information with regard to the cost impact of transferring City Attorney functions to the District Attorney.

Attached hereto, you will find a copy of an opinion and recommendations concerning misdemeanor prosecutions in the City of Santa Monica, submitted to the City Council on July 30, 1972. The opinion and recommendations contained at that time are relevant today. In short, the following information is pertinent:

1. Section 708G of the Santa Monica City Charter provides that the City Attorney shall have the power and be required to prosecute, on behalf of the people, all criminal cases for violation of this Charter and of City Ordinances, and all misdemeanor offenses arising upon violation of the laws of the State. Transferring the functions to the District Attorney would require that the Charter be amended. This would necessitate a charter election which could not be held immediately following the passage of the Jarvis Amendment and would increase cost by the amount of cost involved in holding the election. Depending on whether a general or special election was involved, this would be between ten and forty-thousand dollars.
2. Under the provisions of Section 1463 of the California Penal Code, the City obtains a state determined percentage of fines and forfeitures. A transfer of function and control over such prosecutions would both directly and indirectly effect the amount of fines and forfeitures received by the City. It is difficult to estimate the precise amount involved, but considering the fact that the City relies very substantially on traffic reviews, this could conceivably be an amount in excess of the entire budget of the City Attorney's Office, both Civil and Criminal.

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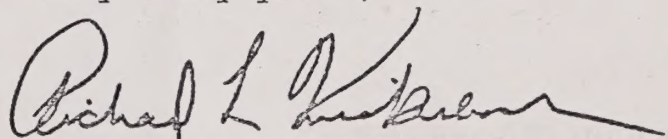
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3. It is very unlikely that a Charter Amendment for that type of purpose would pass based upon determinations in the past, whereby Board of Trustees of the Bar Association has opposed such measures along with the Police Department. Currently, there is a great deal of criticism of the non-filing policies of the District Attorney's Office. In an era where law enforcement needs of the community are being so strongly voiced by the community, diminution in prosecution of criminals, either felons or misdemeanants, could seriously jeopardize the safety of the citizens of Santa Monica.
4. The cost of criminal prosecution in Santa Monica at the present time is that of one Deputy II and two secretaries, which in no event exceeds forty-thousand dollars (\$40,000). This does not represent a very significant amount of money when evaluating the importance of the service provided compared to the cost concerned.
5. Existence of criminal prosecution does provide an effective means of training personnel with regard to trial technique and aids us in the defense of civil liability.

A more complete analysis of all of the factors involved in the history of this problem is enclosed in the attachment which we have alluded to above. If there are further questions, please advise. A fiscal analysis by the City of San Diego which verifies the substantial increase cost created by a transfer of functions has been requested and will follow. Also, the Supreme Court of California has just denied hearing in People v. Byars, a copy of the decision therein is attached.

Very truly yours,



RICHARD L. KNICKERBOCKER
City Attorney

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